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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,666	05/30/2001	Yoshihisa Yamaji	35.C15626	5120
5514	7590 10/31/2005		EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA			STERRETT, JONATHAN G	
NEW YORK, NY 10112		ART UNIT	PAPER NUMBER	
			3623	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	9			
	09/866,666	YAMAJI ET AL.	1			
Office Action Summary	Examiner	Art Unit	ヿ			
	Jonathan G. Sterrett	3623				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status			Ì			
1) Responsive to communication(s) filed on 09 Au	aust 2005.					
, ,	action is non-final.					
3) Since this application is in condition for allowar		esecution as to the merits is				
closed in accordance with the practice under E						
Disposition of Claims						
4)⊠ Claim(s) <u>5-17,22-34,36,37,39 and 40</u> is/are pending in the application.						
4a) Of the above claim(s) <u>1-4, 18-21, 35, 38</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>5-17,22-34,36,37,39 and 40</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct						
11) The oath or declaration is objected to by the Ex						
,						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority 	s have been received. s have been received in Applicat	ion No				
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)		,				
1) X Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	5) Motice of Informal F	ratent Application (PTO-152)				
						

EA

DETAILED ACTION

Summary

1. This Office Action is responsive to the election by the applicant on August 9, 2005 of the Species I claims (drawn to processing collection request conditions for allocation dates of vehicles for collecting supplies for recycling).

Claims 7, 13-17, 24, 30-34, 37 and 40 and generic claims 5, 6, 8-12, 22, 23, 25-29, 36 and 39 are pending in the application.

Specification

2. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner.

The specification appears to be a literal translation out of a foreign language and is replete with grammatical and idiomatic errors.

3. For example, the following items are not understood:

Page 1 line 16-18, "a deliverer of the article performs a delivery work on the basis of the designation of the date of delivery". Does the applicant mean that the delivery person performs scheduling to determine the delivery or that the delivery person actually delivers the item?

Page 3 line 12-13, "Consequently, it obstructs a promotion of purchase by the customers". Does this mean that the increased transportation costs mentioned before this sentence prevent the use of consumer advertisements and promotions or that the customer themselves are discouraged

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from buying because of higher prices?

Page 5 line 19-21, "Fig. 5 is a diagram showing an example of an article selection picture plane". Referring to Figure 5, it is unclear what an 'article selection picture plane" is.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 7, 13-17, 24, 30-34, 37, 40 and generic claims 5, 6, 8-12, 22, 23, 25-29, 36 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into

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English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding Claims 5, 13, 22, 30, 36, 37 and 39 the limitation "order taking conditions" is cited. The term 'conditions' appears to be used in the context of specifics for an order placed on a system. However the use of the term 'conditions' used in the context of orders describes the agreement between buyer and seller that certain conditions must be met for the order to be processed, such as payment terms (e.g. payment terms are net 30, FOB seller) and not specifics associated with the order. The claims are indefinite because one of ordinary skill in the art would not be able to determine how to make or use the invention because of the use of the term 'conditions' in the claims.

The remainder of the claims contain serious grammatical errors that make understanding what is being claimed impossible.

For example, in Claim 10, the limitation "wherein said communicating means notifies only the order making terminal which ordered the articles before the order taking conditions are changed of a fact that said order taking conditions were changed". The examiner can understand what is being claimed up to the point of 'order taking conditions'. What "are changed of a fact that said order taking conditions were changed" means is not clear and thus thus claim is clearly indefinite according to 112 USC 2nd.

Another example, in Claim 13, the claim cites "communication means for transmitting collecting request conditions for allocation dates of

vehicles for collecting expendable supplies for recycling which are used for an image forming apparatus to said terminal apparatus". The phrase at the end appears to be misplaced in the sentence and should not be an object of the noun "image forming apparatus" but rather an object of the phrase "communication means for transmitting collecting request conditions to said terminal apparatus". Instead the claim as stated means literally "pickup dates are transmitted for supplies for recycling; said supplies are used for an image forming apparatus to previously mentioned terminal apparatus."

A final example, in Claim 14, the claim cites "means for storing area information for managing every area the collecting requests for recycling requested from a plurality of terminal apparatus". Does the claim mean that geographical information is stored (i.e. storing geographical area information?). Or does the claim mean that every aspect (i.e. every functional area involving a collecting request) of a collecting request is stored and thus managed? The claim is indefinite because one of ordinary skill in the art would not be able to understand what is being claimed.

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 22-28 and 5-11, 13, 30, 36, 37, 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao.

Rao, Bharat; Navoth, Ziv; Horwitch; "Building a World-Class Logistics,
Distribution and Electronic Commerce Infrastructure", Copyright 1999 Electronic
Markets, Vol 9(3), 174-180, http://www.ite.poly.edu/people/brao/EMFedex.pdf.

Regarding Claim 22, Rao teaches:

a communicating step of providing the order taking conditions stored in said storing step to said order making terminals;

Page 176 paragraph 2 line 3-6, customers can check their order status (order taking conditions) online through the internet (i.e. through their order-making terminals).

and a processing step of changing the order taking conditions stored in said storing step in accordance with statuses of the orders received from said plurality of order making terminals in said communicating step,

Page 176 paragraph 2 line 3-6, the order taking conditions (i.e. order status) are changed as the order is processed from beginning to end (i.e. pickup to delivery).

wherein said order taking conditions correspond to dates of allocation of vehicles responsive to the orders for said articles.

Page 176 paragraph 2 line 3-6, order taking conditions correspond to dates of delivery (i.e. line 4-5 "time-definite delivery").

Rao does not teach

a storing step of storing order taking conditions regarding the orders for the articles;

However, Official Notice is taken that it is old and well known in the art of sales to store order taking conditions, including those where orders are taken and status is communicated over the Internet. This allows for customers to check and recheck the status of their order, since the order itself has been stored by the vendor.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao, regarding providing order taking conditions and status for delivery over the internet, to include the step of storing order taking conditions, because it would enable a customer to repeatedly check the status of their order since the order taking information has been stored by the vendor.

Regarding Claim 23, Rao teaches:

wherein the order for said articles is a delivery of a predetermined article or a request for collection of expendable supplies for recycling which are used for said articles.

Page 176 paragraph 2 line 9-10, FedEx NetReturns includes collection of used items, i.e. products that are used that are being returned to the manufacturer. Customers using NetReturn place orders on the FedEx systems for pickup.

The examiner notes that the phrase "of expendable supplies for recycling" constitutes non-functional descriptive material and adds no patentable weight to the claim.

Regarding Claim 24, Rao teaches:

wherein said articles are used items and the order for said articles is a request for collection of said used items for recycling.

Page 176 paragraph 2 line 9-10, FedEx NetReturns includes collection of used items, i.e. products that are used that are being returned to the manufacturer. Customers using NetReturn place orders on the FedEx systems for pickup.

The examiner notes that the phrase "of said used items for recycling" constitutes non-functional descriptive material and adds no patentable weight to the claim.

Regarding Claim 25, Rao teaches:

The transportation, warehousing and logistics as provided by FedEx to the global market (page 174 line 20-25, describes the carrying of various items by FedEx aircraft). Rao also teaches status update and tracking of shipments, as discussed above.

Rao does not teach

wherein in said processing step, said order taking conditions are changed on the basis of the number of said articles or expendable supplies which can be carried in a vehicle for delivering the articles or collecting said expendable supplies of said articles for recycling.

However, Official Notice is taken that it is old and well known in the art of logistics to require an additional vehicle and thus require a change in the pickup schedule if the amount of items to be picked up exceeds the carrying capacity of the original vehicle. Requiring an additional vehicle adds additional time and complexity to scheduling and can result in a change in the pickup time.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Rao, regarding providing reverse logistics to customers, as discussed above, to change the pickup schedule to provide for picking up additional items which are beyond the carrying capacity of the vehicle originally scheduled, because it would ensure that all the items to be picked up would be picked up at one time.

Regarding Claim 26, Rao teaches:

wherein in said processing step, the order taking conditions are formed and/or changed with respect to each of said plurality of terminals.

Page 176 paragraph 2 line 2-6, customers can access the system through the internet (and thus through a PC terminal) and access their orders to thus form their order taking conditions. Since each customer accesses their own terminal, this occurs with respect to each of the plurality of terminals.

Regarding Claim 27, Rao teaches:

a notifying step of notifying only the order making terminal which ordered the articles before the order taking conditions are changed of said order taking conditions changed in said processing step.

Page 176 paragraph 2 line 5, online status tracking provides notification to customers if the order status changes during processing.

Regarding Claim 28, Rao teaches:

wherein as said order taking conditions, the order taking is closed in accordance with the order taking conditions.

Page 176 paragraph 2 line 4-5, time definite delivery for customers placing orders comprises the order taking being closed in accordance with the order taking conditions. Since customers are placing orders resulting in a time definite

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pickup for returns, there is a closing time (e.g. for FedEx to dispatch the truck) where order taking is closed past a particular time.

Rao does not teach:

the number of order taking persons based on a carrying capacity of said vehicle has been predetermined before the start of the order taking

However, Official Notice is taken that it is old and well known in the art of logistics dispatch to predetermine a number of order taking person based on a carrying capacity of a vehicle. Examples of this include sizing the number of persons in an order entry department depending on the size of the truck fleet that they have to service. This ensures that the order entry personnel can support the load of calls required by the size of the truck fleet.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao, regarding providing reverse logistics to customers, to include the step of sizing the order entry department based on the carrying capacity of a vehicle, to ensure that the load of calls to the order entry department can be handled.

Claims 5-11, 13, 30, 36, 37, 39, 40 recite similar limitations to those addressed in the rejection of Claims 22-28 above, and are therefore rejected under the same rationale.

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9. Claims 14, 15, 16, 17 and 31, 32, 33, 34 are rejected under 35 U.S.C.

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103(a) as being unpatentable over Rao in view of Pastore.

Pastore, R; "Special Delivery", August 1995, CIO Magazine, pp.1-7,

www.cio.com/archive/080195/fedex.html.

Regarding Claim 14, Rao teaches:

The transportation, warehousing and logistics as provided by FedEx to the

global market (page 174 line 20-25, describes the carrying of various items by

FedEx aircraft). Rao also teaches status update and tracking of shipments and

storing order information, as discussed above.

Rao does not teach;

storage means for storing area information for managing every area

the collecting requests for recycling requested from a plurality of terminal

apparatuses, and wherein said information processing means computes

said collecting request conditions on the basis of said area information

stored in said storage means.

Pastore teaches:

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storage means for storing area information for managing every area the collecting requests for recycling requested from a plurality of terminal apparatuses and wherein said information processing means computes said collecting request conditions on the basis of said area information stored in said storage means.

Page 3 paragraph 6 line 1-4, applications that FedEx uses to manage pickup and delivery stores area information for managing every area so that routes can be planned for pickup.

Page 6 paragraph 2 line 2, the courier route planner uses a GIS application, thus area information is stored. This planner also computes collecting request conditions on the basis of area information.

Rao and Pastore both address operational aspects of FedEx logistic operations, thus both Rao and Pastore are analogous art.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Rao regarding providing reverse logistics to include the step of storing geographic information, and using that information to schedule pickups from customers, because it would provide an automated solution to managing a logistics network.

Regarding Claim 15, Rao does not teach:

wherein said area information is transmitted from an information processing apparatus which is used by a deliverer for running said vehicles.

Pastore teaches:

wherein said area information is transmitted from an information processing apparatus which is used by a deliverer for running said vehicles.

Page 4 paragraph 5 line 5-14, systems are integrated so that area information, and all shipping information is transmitted from FedEx COSMOS computer (i.e. an information processing apparatus) which is used by deliverers for operating delivery vehicles, including FedEx themselves and in the example cited of the freight forwarder AEI.

Pastore teaches above that integrating systems so that information is transmitted to the deliverer provides seamless service for the customer (line 6-7)

Rao and Pastore both address operational aspects of FedEx logistic operations, thus both Rao and Pastore are analogous art.

It would have been obvious to one of ordinary skill in the art to further modify the collective teachings of Rao and Pastore, regarding providing reverse logistics, storing geographic information, with transmitting the area information to

operators of delivery vehicles, because it would provide seamless service to the customer.

Regarding Claim 16, Rao teaches

wherein said communicating means transmits the collecting request conditions which are changed by said information processing means in accordance with collecting requests for recycling from a plurality of terminal apparatuses to said plurality of terminal apparatuses according to area information.

Page 176 paragraph 2 line 2-6, customers can access the system through the internet (and thus through a PC terminal) and access their orders to thus form their order taking conditions. Since each customer accesses their own terminal, this occurs with respect to each of the plurality of terminals. Also since their order status is downloaded to them individually, the collecting request conditions they are checking on the status of is transmitted according to their area information (i.e. location).

Regarding Claim 17, Rao does not teach:

wherein said collecting request conditions are privilege information for said terminal apparatus.

However, Official Notice is taken that providing security (i.e. privilege information) on a website through providing a logon and password are old and well known. These provide a simple, easy to implement way to provide access security to ensure only authorized parties can access online information.

It would have been obvious to one of ordinary skill in the art to further modify the collective teachings of Rao and Pastore, regarding providing reverse logistics, storing geographic information, with providing access security (i.e. privilege information), because it would provide a simple, easy to implement way to ensure only authorized parties can access online information.

Claims 31, 32, 33, 34 recite similar limitations to those addressed in the rejection of Claims 14, 15, 16, 17 above, and are therefore rejected under the same rationale.

10. Claims 29 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao in view of Belford.

Belford, Terrence; Vermond, Kira; "Old Product, new use: Re-conditioning toner cartridges puts MKG on top", Dec 1999, Financial Post, p14, Dialog 08715234.

Regarding Claim 29, Rao does not teach:

wherein said expendable supplies include toner, a toner cartridge, expendable parts, and ink, and said expendable parts include at least a photosensitive drum and a photosensitive unit.

Belford teaches where the expendable supplies returned include a toner cartridge (page 1 line 11-13).

Belford teaches that by producing refurbished toner cartridges for the printer market, they can supply cartridges at significant cost savings to customers over new ones.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao, regarding providing reverse logistics for product returns, to include the step of returning toner cartridges for refill, because the refurbished toner cartridges provide significant savings to customers over buying new toner cartridges.

Rao and Belford do not teach:

wherein said expendable supplies include expendable parts, and ink, and said expendable parts include at least a photosensitive drum and a photosensitive unit.

However, Official Notice is taken that returning items for repair and/or refurbishment is old and well known in the art of reverse logistics. Manufacturers

can provide significant cost savings to customers by offering for sale refurbished or remanufactured items since these items can provide significant cost savings over newer items. This would include expendable parts, and ink, and said expendable parts include at least a photosensitive drum and a photosensitive unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Rao and Belford, to include the step of returning ink, a photosensitive drum and unit, because refurbishing these items for sale can provide significant cost savings to customers.

Claim 12 recites similar limitations to those addressed in the rejection of Claim 29 above, and is therefore rejected under the same rationale.

Conclusion.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hudson, Marion E; Powell, Edwin, "Guide to E-shopping for office supplies", Jan 2000, Office Solutions, v17n1, pp.24-32, Dialog 02503870 242871451.

"HDPE shortage thwarts Xerox recycling plan", June 1995, Plastics News, p1, Dialog 03898356 45615387.

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PR Newswire, "Product Update: Apple Announces Environmentally Sensitive Toner Cartridge", Sep 1994, Dialog 03574030 45024646.

"Scrap Pile awaiting old chips", June 1994, American Metal Market, p10, Dialog 03404424 44733115.

Business Wire, "Indpendent Test Results Favor HP Toner Cartridges Over Those From Xerox and Lexmark", Sept 1998, p9150260, Dialog 10456355 21122840.

Littman, Dan, "Top Ten Printers", Feb 1998, PC World, v16, n2, p259(2), Dialog 10025871 20173819.

Gair, Cristina, "Office Trash: Handle with Care", Oct 1999, Home Office Computing, 17, 10, 28, Dialog 02339413 56063053.

"Xerox returns to post-consumer HDPE", August 1995, Plastics News, v7, n26, p.7, Dialog 00788163 23280790.

M2 Presswire, "HewlettPackard: HP launches Planet Partners recycling initiative", Sept 1998, Dialog 02829445.

"Web Merchants must make returns pain-free for purchasers", Nov 1999, Electronic Commerce News, v4, n45, pNA, Dialog 04480425 57439971.

"Xerox-Canada Post recycling program wins Earth Prize", April 1996, Eco-Log Week, v24, n16, Dialog 03096954 46332991.

Janah, Monah; Wilder, Clinton; "Fedex Special Delivery", Oct 1997, InformationWeek, n654, pp.42-60, Dialog 01527057 01-78045.

Rosencrance, Linda, "FedEx plans customizable delivery for online shoppers", Jan 2000, Computerworld, v34n4, pp.6, Dialog 01976958 48296863.

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BusinessWire, "UPS Logistics Group names CIO, Director of Information Systems; Appointments Expand Global Supply Chain IT Strategy", May 1998, p05051471, Dialog 05594471 48467525.

"Corporation 2010", 1998, Chief Executive, pp.2-4+, Dialog 01689253 03-40243.

"What customers value most", 1998, Chief Executive, pp. 8, Dialog 01689257 03-40247.

Harrington, Lisa H, "High Tech trucking improves fleet performance", Oct 1999, Transportation and Distribution, v40n10, pp.53-62, Dialog 01913932 05-64924.

Marien, Edward J, "Reverse Logistics as Competitive Strategy", copyright 1998, Supply Chain Management Review, pp.1-14.

US 5305199 A discloses consumable supplies monitoring/ordering system for reprographic equipment.

US 5809479 A discloses on-time delivery, tracking and reporting.

US 5960408 A discloses on-time delivery, tracking and reporting.

US 6510383 B1 discloses vehicular route optimization system and method.

US 5122959 A discloses transportation dispatch and delivery tracking system.

US 5835376 A discloses fully automated vehicle dispatching, monitoring and billing.

US 6430496 B1 discloses fully automated vehicle dispatching, monitoring and billing.

US 5272638 A discloses systems and methods for planning the scheduling travel routes.

US 6754634 B1 discloses method for scheduling transportation resources.

Conclusion

- 12. Examiner comments: the examiner would very respectfully point out to the applicant that having a clearly written specification and claims not only ensures that an application is properly examined, i.e. terminology and concepts properly searched, but also makes it more likely upon being granted a patent (assuming arguendo the application is patentable), that the disclosure will be cited in the future as prior art. Clearly written specifications of patents are more likely to be cited in future searches because they clearly delineate the prior art of an applicant's invention. An examiner in the future is more likely to cite a well-written specification as prior art rather than a poorly written or unclear specification.
- 13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6 and can be reached via email at jonathan.sterrett@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JGS 10-21-2005